

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 76

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-76-1	Repealed. [R 8/3/84]
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§16-76-2 Objective. This chapter, adopted by the board of chiropractic examiners, hereafter referred to as "board," is intended to clarify chapter 442, Hawaii Revised Statutes, and to implement the administration thereof to the end that chapter 442, HRS, may be best effectuated and the public interest most effectively served. [Eff 3/16/73; am and ren §16-76-2, 7/30/81; am and comp 8/3/84; comp 6/28/85; comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-5)

§16-76-3 Parliamentary procedure. Robert's Rules of Order, most current edition, shall govern the deliberations of the board when they do not conflict with other rules the board may adopt or with the laws of the State of Hawaii. [Eff 3/16/73; am and ren §16-76-3, 7/30/81; am and comp 8/3/84; comp 6/28/85; comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-5)

SUBCHAPTER 2

PROCESSING APPLICATION FOR LICENSE

§16-76-7 Application form for license. An application for a license to practice chiropractic shall be submitted on a form or forms prescribed and provided by the board, accompanied by the evidence, statements, or documents as are required, and filed with the board at its office in Honolulu. [Eff 3/16/73; am and ren §16-76-7, 7/30/81; am and comp 8/3/84; comp 6/28/85; comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-2)

§16-76-8 Educational requirements. (a) Each applicant for chiropractic licensure shall present evidence of having attended and graduated from a chiropractic college accredited by, or recognized as a candidate for accreditation by, any chiropractic accrediting agency recognized by the United States Department of Education. Any student who has matriculated in a degree granting chiropractic college prior to October 15, 1984, shall be exempted from this provision.

(b) Each applicant shall complete two years of liberal arts or science studies at a university or college and shall show proof that at least sixty credit hours in liberal arts or science studies have been taken and successfully completed at a college or university. [Eff 3/16/73; am and ren §16-76-8, 7/30/81; am and comp 8/3/84; comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-2)

§16-76-9 National board examination requirement. Each applicant for chiropractic licensure shall be required to pass parts I, II, physiotherapy, and the written clinical competency examination of the National Board of Chiropractic Examiners' examinations in order to be eligible to sit for the state chiropractic examination prescribed in section 16-76-14. [Eff and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-6)

SUBCHAPTER 3

EXAMINATION

§16-76-12 Repealed. [R 6/1/89]

§16-76-13 Physiotherapy requirement for valid current licensees. (a) All persons holding valid current licenses prior to June 4, 1984, may seek a waiver for the special written examination in physiotherapy modalities provided:

- (1) The licensee has passed the physiotherapy portion of the National Board of Chiropractic Examiners' examination; or
- (2) The licensee is licensed in any other state, territory, or the District of Columbia, wherein the license requirements with respect to physiotherapy modalities are found by the board to be comparable or more stringent than the requirements of the National Board of Chiropractic Examiners.

(b) All other current licensees seeking approval of the board to use physiotherapy modalities shall show proof of having taken a physiotherapy course of at least forty hours from a chiropractic college accredited by, or recognized as a candidate for accreditation by, any chiropractic accrediting agency recognized by the United States Department of Education and shall pass a special written physiotherapy examination administered by the board. Any licensees failing to pass the special written examination may be reexamined at the next regular examination. Should the licensee fail to pass the special written physiotherapy examination a second time, the licensee shall be required to show proof of having successfully completed forty additional hours of physiotherapy courses from a chiropractic college accredited by, or recognized as a candidate for accreditation by, any chiropractic agency recognized by the United States Department of Education to be eligible to retake the special written physiotherapy examination. [Eff 3/16/73; am and ren §16-76-13, 7/30/81; am and comp 8/3/84; am and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-6)

§16-76-14 State board examination. (a) All applicants shall take the state board examination as given by the board. This examination may include a practical demonstration examination consisting of x-ray interpretation, adjusting, palpation, and the state laws and rules.

(b) An applicant must be within a numerical score of seventy-five points or greater for each subject or section of the state board examination to be granted a license. [Eff 3/16/73; am and ren §16-76-14, 7/30/81; am and comp 8/3/84; comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-6)

§16-76-15 Time required for examination. All parts of the state board examination shall be given on the same day with a time limit designated for completion of each subject. [Eff 3/16/73; am and ren §16-76-15, 7/30/81; am and comp 8/3/84; comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-7)

§16-76-16 Procedure for examination. (a) When seated in the examination room, each applicant shall receive an identification number. The applicant shall note the number, subject of the examination, and date of the examination on the answer sheet. Applicants shall write their answers on the answer sheet only.

(b) Applicants are forbidden to place their names or any identification mark other than the identification number on any of their examination papers.

(c) During the examination, applicants shall not have on the table any paper or object other than the examination, examination answer sheet, an eraser, and pencils.

(d) Applicants shall not communicate in any way with any other applicants, nor shall the applicants question any examiners in reference to or interpretation of the questions under consideration. Applicants shall rely solely upon their own judgment as to the meaning of each question and on their own knowledge of the subjects in answering. Any disturbances on the part of any applicant shall constitute disqualification and the applicant shall be required to leave the examination room.

(e) Anyone found to be cheating shall be excluded from further examination for a period of one year thereafter.

(f) An applicant may retake the examination any number of times and shall be given credit on parts passed provided that a score of seventy-five points or greater is obtained in each part in at least the majority of the parts of the examination. These credits shall expire at the end of the second succeeding examination and no credits shall be carried over to future examinations.

(g) An applicant who, subsequent to filing an application, wishes to postpone taking the examination shall notify the board in writing at least thirty days prior to the date of the examination, and the fee paid with the application shall be applied to the next succeeding examination. Only one postponement shall be allowed.

Failure to notify the board in writing within the prescribed time, or failure to otherwise obtain a postponement from the board shall cause the examination fee to be forfeited. For good cause shown, the board may waive the thirty-day written notice and postponement limitation. [Eff 3/16/73; am and ren §16-76-16, 7/30/81; am and comp 8/3/84; am and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-6)

§16-76-17 Examination evaluators. All evaluators shall be appointed by the board and shall have at least five years of experience in the practice of chiropractic. [Eff and comp 8/3/84; comp 6/28/85; comp 6/1/89] (Auth: HRS 442-5) (Imp: HRS §442-6)

SUBCHAPTER 4

PRACTICE OF CHIROPRACTIC

§16-76-20 License required to practice chiropractic, either as an individual or under supervision, or in employment of a licensed chiropractor. Any person who is found practicing chiropractic before receiving a license from the board shall be denied licensure. [Eff 3/16/73; am and ren §16-76-20, 7/30/81; comp 8/3/84; comp 6/28/85; comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-5)

§16-76-21 Certificate of licensure. (a) The certificate of license shall be designated "License To Practice Chiropractic" and shall authorize the holder to practice chiropractic as defined in section 442-1, HRS, and also to use all necessary mechanical, hygienic, and sanitary measures incident to the care of the body, including x-ray equipment for diagnostic purpose and physiotherapy modalities.

(b) Any applicant who passes the chiropractic examinations as prescribed in sections 16-76-9, 16-76-13, and 16-76-14 shall be required to pay the initial license fee within ninety days after the date of the state board examination; otherwise, the applicant shall be deemed an unsuccessful applicant and shall be subject to reexamination. [Eff 3/16/73; am and ren §16-76-21,

7/30/81; am and comp 8/3/84; am and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-8)

§16-76-22 Repealed. [R 6/1/89]

§16-76-23 Repealed. [R 6/1/89]

§16-76-24 Change of address. Licensees shall notify the board of any change in writing of address within thirty days of the change. [Eff 3/16/73; am and ren §16-76-24, 7/30/81; am and comp 8/3/84; comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-14)

SUBCHAPTER 5

§16-76-28 Repealed. [R 8/3/84]

§16-76-29 Repealed. [R 6/1/89]

§16-76-30 Repealed. [R 6/1/89]

§16-76-31 Repealed. [R 6/1/89]

§16-76-32 Repealed. [R 6/1/89]

§16-76-33 Repealed. [R 6/1/89]

SUBCHAPTER 6

CONTINUING EDUCATION

§16-76-37 Basic concept. The basic objectives and goals of continuing education are the growth of knowledge, cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care, and improvement in the health and welfare of the public. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-38 Basic requirements for renewal. (a) For the license renewal period covering the 1986-87 biennium, the licensee shall file, together with the biennial renewal application, on or before December 31, 1985, a certificate of attendance of a minimum of ten hours of continuing education programs approved by the board. For each biennium thereafter, the licensee shall file, together with the biennial renewal application, or before December 31 of each odd-numbered year, a certificate of completion of at least twenty hours in continuing education programs approved by the board, which have been completed within the twenty-four months before the renewal deadline.

(b) A person who is issued an initial license in an odd-numbered year of the biennium shall not be required to submit a certificate of completion of continuing education programs for the renewal of that license for the following biennium.

(c) A person who is issued an initial license in an even-numbered year of the biennium shall be required to file a certificate of completion of a minimum of ten hours of continuing education programs for the renewal of that license for the following biennium. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-39 Qualifications for continuing education credit. (a) The primary consideration in determining whether or not a specific program qualifies as acceptable continuing education is that it be a formal program of learning which will contribute directly to the professional competence of a licensee in public practice. It is, therefore, left to the individual licensee to determine the course of study to be pursued within the guidelines established by this chapter. However practice-building seminars shall NOT be approved.

(b) Each seminar approved by the board must present subject material directly related to the concepts of chiropractic principles and practice, including diagnostic procedures, patient care, and patient management. The board recommends special attention be given to the following:

- (1) Principles of practice of chiropractic including, but not limited to:
 - (A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition, and dietetics; and

- (B) Physical, laboratory, orthopedic, neurological, and differential examination and diagnosis or analysis; and
- (2) Radiographic technique and interpretation involving all phases of reoentgenology as permitted by law.
- (c) The board shall consider for approval the application of any continuing education program which conforms to the above criteria.
- (d) Postgraduate programs at chiropractic colleges recognized by or actively pursuing recognition by the Council on Chiropractic Education may also be considered for approval provided the course content meets the above criteria. Continuing education programs not conforming to the above stated criteria, shall be considered on an individual basis.
- (e) A continuing education program may not be repeated for credit during the same biennial relicensing period.
- (f) Continuing education credit shall be given for whole hours only, with a minimum of fifty minutes constituting one class hour. No credit for continuing education shall be allowed for time expended for study outside of the classroom. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-40 Deficiency in continuing education hours. A license shall not be renewed if the continuing education requirements have not been met in accordance with sections 16-76-37, 16-76-38, and 16-76-39. A license not renewed on or before December 31 shall be considered forfeited on January 31. The forfeited license may be restored on or before January 1 of the following odd-numbered year upon written application, submission of proof of compliance with the continuing education requirements in sections 16-76-37, 16-76-38, and 16-76-39, and payment of all required fees. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-41 Requirements for approved programs. (a) Sponsors seeking the board's approval for continuing educational seminars for license renewal in this State shall provide the board with a program sponsor agreement for continuing education and all documentary information required by the board, and an application fee as required by chapter 16-53, forty-five days prior to the date of the seminar.

(b) If a program meets the criteria of the board, the sponsor shall be so notified that approval has been granted. An index number of approval shall be provided at that time.

(c) Any board member, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.

(d) Each director or person in charge of an approved program in continuing education shall maintain a record of the persons completing the course for a period of two years thereafter. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-42 Certification of attendance. (a) Upon completion of an approved program, the sponsor shall issue written evidence of attendance to each attendee. This certificate of attendance shall include the following information:

- (1) Name of attendee;
- (2) Name of sponsor;
- (3) Name of program;
- (4) Index number of board approval;
- (5) Date of program;
- (6) Hours of attendance; and
- (7) Signature of program director or person in charge.

(b) Each director or person in charge of an approved course in continuing education shall be responsible for maintaining full-time monitoring of the seminar attendance. If absence from the room exceeds ten minutes during any one hour period, credit for that hour shall be forfeited. Failure to maintain proper monitoring procedures, as prescribed, may be grounds for withdrawal of program approval or future consideration for program approval. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-43 Duration of approval. The approval by the board for each program shall expire at the conclusion of each program. The approval may be withdrawn by the board at any time for good cause. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

§16-76-44 Exceptions. The board may renew a license to practice to any licensee who has not fully complied with the continuing education requirements in cases where failure by the applicant to fulfill the requirements has been caused by reason of:

- (1) Health, as certified by a licensed doctor;
- (2) Military service on extended active duty with the armed forces of the United States; or

- (3) Other good and valid causes, as determined and approved by the board. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §442-11)

SUBCHAPTER 7

PRACTICE AND PROCEDURE

§16-76-50 Administrative practice and procedure. The rules of practice and procedure for chiropractors shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, which are incorporated by reference and made a part of this chapter. [Eff and comp 6/28/85; am and comp 6/1/89] (Auth: §§91-2, 442-5) (Imp: HRS §§91-2, 442-5)

SUBCHAPTER 8

PROFESSIONAL MISCONDUCT

§16-76-56 Professional misconduct. (a) The board shall take action against any holder of a license who is guilty of professional misconduct which has been brought to the board's attention, or whose license has been procured by fraud or misrepresentation or issued by mistake.

(b) Professional misconduct includes, but is not limited to, the following:

- (1) Gross negligence in the practice of chiropractic;
- (2) Repeated negligent acts in the practice of chiropractic;
- (3) Mental or clinical incompetence;
- (4) Charging fees for the administration of treatment, use of diagnostic procedures, or rendering of instructional procedures which are clearly excessive as determined by the usual and customary practice and standards of the profession;
- (5) Any conduct which has endangered, or is likely to endanger the health, welfare, or safety of the public;
- (6) Habitual intemperance in the use of alcohol or drugs;
- (7) Conviction of a crime which is substantially related to the qualifications, functions, or duties of a chiropractor;
- (8) The commission or conviction of a felony or of any offense, whether felony or misdemeanor, involving moral turpitude,

dishonesty, corruption, whether or not the act is committed in the course of the individual's activities as a license holder. A plea of nolo contendere or verdict of guilty is deemed to be a conviction within the meaning of the board's disciplinary provisions. The board may order a license to be put on probation, suspended, limited, or revoked, or may decline to issue a license when the time for appeal has elapsed, or when the judgment of conviction has been confirmed on appeal;

- (9) Violation of any law regulating the dispensing or administration of narcotics, dangerous drugs, or controlled substances;
- (10) Using or charging a fee for physiotherapy services without approval by the board;
- (11) Knowingly making or signing any certificate or other document relating to the practice of chiropractic which is misleading or which falsely represents the existence or nonexistence of a state of facts;
- (12) Violating or attempting to violate, directly or indirectly, or assisting in, or abetting in, the violation of, or conspiring to violate any provision or term of chapter 442, the rules adopted by the board thereunder, or any lawful order of the board;
- (13) Making or giving any false statement of information in connection with an application for issuance of a license;
- (14) Impersonating an applicant or acting as a proxy for an applicant in any examination required by the board for the issuance of a license or registration;
- (15) Obtaining of a fee by fraud or deceit from patients, third party payers, or others, relating to the practice of chiropractic, which shall include the charging of unconscionable fees, charging a third party payer unreasonably higher fees over and above the usual and customary fees charged private patients for the same service, or charging for services not rendered;
- (16) Except as may be required by law, the unauthorized disclosure of any information about a patient revealed or discovered during the course of examination or treatment;
- (17) Offering, delivering, receiving, or accepting of any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration as compensation or inducement for referring patients to any person;
- (18) Sexual misconduct in the office which includes intercourse, masturbation, prostitution, making suggestive, lewd, lascivious, or improper advances to a patient;

- (19) Falsely maligning, accusing, or slandering another chiropractor or the chiropractor's method of practice;
- (20) Failing to notify the board, when applying for licensure, of any past or present disciplinary action by another state;
- (21) Falsifying records pertaining to license renewal requirements;
- (22) Aiding or abetting an unlicensed person to practice chiropractic as defined in chapter 442-1, HRS;
- (23) Allowing, aiding, or abetting any person not licensed to practice chiropractic, or licensed as an x-ray technician, to x-ray a patient;
- (24) Charging for examinations, including but not limited to, x-ray, orthopedic, neurological, physical, or muscle strength, on any routine basis or more often than once every thirty days unless the patient's condition necessitates more frequent examination that can be clearly justified;
- (25) Refusing to send x-rays or copies to another chiropractor when presented with a properly executed records release signed by the patient;
- (26) Releasing a patient's health care records or x-rays to any other person or institution without receiving prior written permission from the patient or any doctor who made and owns the health care record or x-rays;
- (27) Conduct of a character likely to deceive or defraud the public;
- (28) Advertising by means of false and deceptive statement, or by statements which tend to deceive or defraud;
- (29) Receiving three formal written reprimands by the board; and
- (30) Failing to return a patient's health care records or x-rays upon written request to the doctor who made and owns the records and x-rays. [Eff and comp 6/1/89 (Auth: HRS §442-5) (Imp: HRS §442-9)]

§16-76-57 Advertising practice. (a) This section pertains to all forms of advertising, including but not limited to radio, television, newspaper, magazines, telephone directories, window displays, outdoor signs, circulars, cards, or any other media which are used to communicate information to the general public.

(b) Advertising material shall deal strictly with the principles of chiropractic as a health science and shall not contain false, fraudulent, misleading, or deceptive statements or claims. A false, fraudulent, misleading, or deceptive statement or claim includes, but shall not be limited to, a statement or claim which:

- (1) Contains a misrepresentation of fact;

- (2) Is likely to mislead or deceive because in context it constitutes only a partial disclosure of relevant facts;
- (3) Is intended or is likely to create false or unjustified expectations of favorable results;
- (4) Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or be deceived; or
- (5) Contains the terms "cure" or "guarantee" for any service, procedure, or device provided;
- (6) Contains advertisements that the licensee specializes, or is a specialist in, any particular field, aspect, or area of practice unless the licensee possesses special certification in that field, aspect, or area of practice from an accredited college, university, or from a national professional association, and provided the licensee retains qualifications necessary to that specialty;
- (7) Advertisements comparing the quality of chiropractic care;
- (8) Contains advertisements pertaining to referral services for chiropractic care unless the advertisement names the licensee to who the referrals are made; and
- (9) Contains advertisements regarding the length of time of a chiropractic practice unless specific reference is made to the individual licensee's length of licensure.
- (c) It shall not be false, deceptive, or misleading for a licensee to truthfully advertise prices of chiropractic services, provided that:
 - (1) The advertisements fully disclose what is being offered for free or at a discount;
 - (2) The advertisements clearly identify the period that free or discounted services remain in effect:
 - (A) If an advertisement appears in a medium which is published monthly or at more frequent intervals, the advertisement shall not be considered false, deceptive, or misleading if the advertised price remains in effect for at least thirty days or until publication of the next issue;
 - (B) If an advertisement appears in a telephone directory, it shall not be considered false, deceptive, or misleading if the advertised price remains in effect until publication and distribution of the next year's telephone directory; or
 - (C) Except as noted in subparagraphs (A) and (B), if an advertisement fails to identify the period for which it is effective, it shall not be considered false, deceptive, or

misleading if the advertised prices remain in effect at least ninety days from the date of publication or mailing.

- (3) Advertisements of fees for services shall be limited to routine chiropractic services and shall not be in a manner tending to deceive or mislead the public. A routine service is a service that a chiropractor performs frequently in the licensee's practice, is usually provided at a set fee with little or no variance in technique, and includes all professionally recognized components within generally accepted standards;
- (4) Vague references to cost, such as "discounted", "reasonable", "economy", "low-cost", and "affordable" shall be professionally accountable, factual, and accurate;
- (5) Free or discounted chiropractic services shall be provided to all patients during the period of time specified in the advertisements, whether or not the consumer is aware of the free services or discounted fee, and whether or not payment is to be made by the individual or a third party payer such as an insurance company;
- (6) Free or discounted examinations shall be performed at standards equivalent to the standards for performance of those services provided at a full charge. Any free or discounted examination shall include taking a case history of the patient, a neurological, orthopedic, and physical examination, and when necessary, the taking, developing, and interpretation of x-rays or other specialized tests to establish a diagnosis and prognosis before the commencement of any chargeable services;
- (7) Free or discounted chiropractic treatment shall be performed at standards equivalent to the standards for performance of these services provided at a full charge;
- (8) When using the word "free", or any other term with essentially the same meaning, in reference to any service, examination, or treatment, the following disclaimer shall appear in capital letters clearly distinguishable from the rest of the text of the advertisement:

"The patient or any other person or entity responsible for payment has a right to refuse to pay, cancel payment, or be reimbursed for payment for any other service, examination, or treatment which is performed as a result of and within twenty-four hours of responding to the advertisement for the free service, examination, or treatment."

- (9) Advertisements which describe any waiver of co-payments by an insured, commonly known as "No-Out-Of-Pocket-Expense" are prohibited. This does not preclude a practitioner from rendering a courtesy to a patient on an individual basis; and
- (10) Advertisements of services covered by insurance shall state that the coverage is limited if full coverage is not provided. [Eff 3/16/73; am and ren §16-76-22, 7/30/81; am and comp 8/3/84; comp 6/28/85; am and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §§442-9, 442-19)

SUBCHAPTER 9

ORAL TESTIMONY

§16-76-62 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours before the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period, but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (6) The board may refuse to hear any testimony which is irrelevant, or immaterial to the agenda item on which it is presented.

(b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another pending proceeding subject to hearings relief, declaratory relief, or rule relief of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 6/1/89] (Auth: HRS §442-5) (Imp: HRS §92-3)

Amendments to and compilation of chapter 16-76, Hawaii Administrative Rules, on the Summary Page dated February 23, 1989, were adopted on February 23, 1989, following a public hearing held on the same date, after public notice was given in the Honolulu Star-Bulletin and Advertiser on January 29, 1989.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ John T. Rathjen, D.C.
JOHN T. RATHJEN, D.C.
Chairman, Board of Chiropractic Examiners

APPROVED AS TO FORM: Date: 4/25/89

/s/ Debra Day Emerson
Deputy Attorney General

APPROVED: Date: 5/4/89

/s/ Robert A. Alm
ROBERT A. ALM
Director of Commerce and Consumer Affairs

APPROVED: Date: 5/22/89

/s/ John Waihee
JOHN WAIHEE
Governor
State of Hawaii

May 22, 1989
Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-76
Hawaii Administrative Rules
February 23, 1989

SUMMARY

1. §16-76-8 is amended.
2. §16-76-9 is added.
3. §16-76-12 is repealed.
4. §§16-76-13 through 16-76-16 are amended.
5. §16-76-21 is amended.
6. §§16-76-22 and 16-76-23 are repealed.
7. §16-76-24 is amended.
8. Subchapter 5 (§§16-76-29 through 16-76-33) is repealed.
9. §§16-76-37 through 16-76-44 are amended.
10. §16-76-50 is amended.
11. Subchapter 8 (§§16-76-56 and 16-76-57) is added.
12. Subchapter 9 (§16-76-62) is added.
13. Chapter 76 is compiled.